

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Earl Arnold,

Plaintiff,

Case No. 16-cv-13403

v.

Judith E. Levy

United States District Judge

Craig Hutchinson et al.,

Mag. Judge Mona K. Majzoub

Defendants.

_____/

ORDER ADOPTING REPORT AND RECOMMENDATION [35]

Before the Court is Magistrate Judge Mona K. Majzoub's Report and Recommendation recommending the Court GRANT defendant Hutchinson's motion to dismiss pursuant to Fed. R. Civ. P. 41(b) and Fed. R. Civ. P. 37(b)(2)(A), and DENY AS MOOT defendant Hutchinson's motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6).

The parties were required to file specific written objections within 14 days of service. Fed. R. Civ. P. 72(b)(2); E.D. Mich. L.R. 72.1(d). No objections were filed. The parties, by failing to object to the Report and

Recommendation, have waived any further right of appeal. *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

The Court has reviewed this case in its entirety, and finds that the Magistrate Judge's Report and Recommendation is well founded. Accordingly, the Report and Recommendation (Dkt. 35) is ADOPTED. Defendant Hutchinson's motion to dismiss pursuant to Fed. R. Civ. P. 41(b) and Fed. R. Civ. P. 37(b)(2)(A) is GRANTED. (Dkt. 30.) Defendant Hutchinson's motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) is DENIED AS MOOT. (Dkt. 25.)

IT IS SO ORDERED.

Dated: March 27, 2018
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on March 27, 2018.

s/Shawna Burns
SHAWNA BURNS
Case Manager